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ABSTRACT

In 1988, over one-third of all North Carolina magistrates, from 87 of 100 counties, responded to a survey from the Governor's Task Force on Domestic Violence. Ninety-nine percent of respondents indicated that they had handled at least one case in which a woman had complained about physical violence or threats from her husband or boyfriend. The magistrates reported very few cases of men making complaints about physical violence or threats from their wives or women friends. More that three-fourths of the magistrates had referred a battered woman to a local domestic violence program. Approximately one-half of the magistrates had decided not to issue a domestic violence warrant because of insufficient evidence of injury, and 38.7% had decided not to issue a domestic violence warrant because the woman had previously dropped a warrant. More than 90% of the magistrates had used domestic criminal trespass and communication of threats laws as criminal remedies for domestic violence. About two-thirds had used the domestic violence bail provision and held a husband or boyfriend for a reasonable period of time before setting bail. Although there was an expressed interest in training, only 40% of the magistrates had received training or attended a workshop regarding domestic violence. Survey responses indicated an overall awareness of the problem on the part of the magistrates, a real concern for meeting the needs of victims, and frustration with repeat complainants who later drop charges. (Author/NB)

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Magistrates' Survey

1988 Follow-up: Analysis of Results

Report to the Governor's Task Force on Domestic Violence

by

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and

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July 1989

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Study supervised by the Office of Prevention in the Division of Mental Health, Mental Retardation, Substance Abuse Services, North Carolina Department of Human Resources

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The North Carolina Council on the Status of Women has initiated a comprehensive Statewide Magistrates' Training Seminar encompassing all judicial districts. The pilot program was held May 4, 1989, in Johnston County.

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Acknowledgments

The authors of the current study have many people and organizations to thank. Through the collaborative efforts of the North Carolina Administrative Office of the Courts, the Governor's Task Force on Domestic Violence, the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse, and the North Carolina Council on the Status of Women, we have been able to consult with our state's magistrates on a number of procedural and training issues surrounding family violence.

We are indebted to the magistrates who participated in this and in a previous study; without their participation, we would have learned nothing. We are also indebted to two Duke University students, Bonnie McFarlane and Miriam Saxon, and their advisers, who in 1984 conducted the first survey of magistrates for the North Carolina Council on the Status of Women.

We were fortunate to have the following as reviewers: Dr. Carol Love, North Carolina State University; Dr. David McLawhorn, Wilson County Technical College; Dr. M. C. Teague, North Carolina Department of Crime Control and Public Safety; Ms. Julia Reeves, North Carolina Council on the Status of Women; Ms. Ellen Scouten, North Carolina Attorney General's Office; and Ms. Sue Hollenbach, consultant to the Office of Prevention.

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Meredith Gruehn, intern from Meredith College, assigned to the Office of Prevention for the 1987-88 school year, helped the Council on the Status of Women mail the survey instruments.

Finally, we are indebted to Wilson County Technical College for lending Mr. Sylvester McKay to the Office of Prevention as part of the Institute's Back-to-Industry program.

Ruth Relos

Executive Summary

Between February and May of 1988, more than one-third of all North Carolina magistrates responded to a survey from the Governor's Task Force on Domestic Violence. The magistrates who responded were from 87 of 100 counties in North Carolina. Ninety-nine percent of the responding magistrates indicated they had handled at least one case in which a woman had complained about physical violence or threats from her husband or boyfriend. The magistrates reported very few cases of men making complaints about physical violence or threats from their wives or women friends.

More than three-fourths of the magistrates had referred a battered woman to a local domestic violence program. Approximately one-half of the magistrates had decided not to issue a domestic violence warrant because of insufficient evidence of injury. However, a smaller percentage, 38.7 percent, had decided not to issue a domestic violence warrant because the woman had previously dropped a warrant. More than 90 percent of the magistrates had used domestic criminal trespass and communication of threats laws as criminal remedies for domestic violence. About two-thirds had used the domestic violence bail provision (G.S. 15A-534.1) and held a husband or boyfriend for a reasonable period of time before setting bail.

Although there was an expressed interest in training, only 40 percent of the magistrates had received training or attended a workshop regarding domestic violence. In addition, the overwhelming majority had not received any instructions from their local district attorneys. Indeed, many magistrates indicated that it was not appropriate for district attorneys to give them instructions.

Domestic violence training for magistrates continues to be a real need. Survey responses indicated an overall awareness of the problem on the part of magistrates, a real concern for meeting the needs of victims, and frustration with repeat complainants who later drop charges. Specific recommendations are given for educating the public about domestic violence and its remedies for informing magistrates of civil and legal options and for finding ways to protect children in domestic violence situations.

Background

A questionnaire concerning knowledge and perception of domestic violence was mailed to all magistrates in North Carolina. The questionnaire was developed and used in an identical study in 1984 by Bonnie McFarlane and Miriam Saxon, interns from Duke University. A copy of the questionnaire is included as Appendix A. The current study is a replication of the work of McFarland and Saxon in an effort (1) to determine current perceptions of magistrates with regard to domestic violence and (2) to determine if there had been any significant changes since 1984.

The mailing list was provided by the North Carolina Administrative Office of the Courts. While the survey was conducted under the auspices of the Governor's Task Force on Domestic Violence, the Office of Prevention in the Division of Mental Health, Mental Retardation, Substance Abuse Services supervised the study with the cooperation of the North Carolina Council on the Status of Women. The cover letter accompanying the questionnaire was from the North Carolina Council on the Status of Women, which staffs the Governor's Task Force on Domestic Violence. The questionnaire and cover letter, requesting responses by March 31, 1988, were mailed on February 18.

From the 640 questionnaires mailed, 237 responses were received by May 15, 1988. This resulted in a return rate of 37 percent.

Survey Findings

The following discussion summarizes the findings of the survey. Included in the summary is a description of the demographics of the respondents, as well as their contact with domestic violence programs, experience with domestic violence cases, handling of domestic violence cases and responses regarding training.

Demographics

Responses were received from 87 of North Carolina's 100 counties. Appendix B contains a list of the responding counties. Questionnaires were received from the four program regions used by the North Carolina Department of Human Resources *(See Table 1)*.

Table 1
Frequency Distribution of Responses by Region*

Region	*Frequency*	*Percent*
Western	88	38.3
North Central	39	17.0
South Central	42	18.3
Eastern	61	26.5
Total	**230**	**100.0**

** 7 responses were anonymous*

The distribution of responses parallels the relative size of each region. Approximately 19 percent of the respondents were female and 68 percent were male. It was not possible to determine the gender of the remaining respondents. Based on this data, it is possible to assume that the knowledge and perceptions of magistrates described below are representative of the majority of magistrates in the State of North Carolina.

Contact with Domestic Violence Programs

At the time of this study, the vast majority of counties were being served either by local domestic violence programs or through satellite programs. Seventy-eight percent of the respondents indicated an awareness of programs for battered women in their areas, while approximately 15 percent of the respondents were not aware of programs in their areas.

Of the 237 respondents, 164 (69.2 percent) indicated contact with local battered women's programs. Approximately 18 percent indicated no contact and 12 percent did not respond. When those not responding were excluded from the analysis, the percentage of magistrates who indicated some type of contact increased to 78.1 percent; the number reporting no contact increased to 20.5 percent.

Probing further, it was determined that contact with local battered women's programs included telephone conversations, meetings, training programs, referrals and observation of representatives of battered women's programs working with victims. While some magistrates reported only one mode of contact, approximately 51 percent reported a variety of contact modes. Table 2 provides more specific information regarding magistrates' contacts with local domestic violence programs.

Table 2
Magistrates' Contact with Domestic Violence Programs

Question	*Frequency*	*Percent*
Knowledge of Battered Women's Program in Area		
Yes	186	78.5
No	36	15.2
Don't Know	13	5.5
No Response	2	.8
Actual Contact		
Yes	164	69.2
No	43	18.1
No response	30	12.7
Type of Contact		
Telephone	55	33.7
Meeting	19	11.7
Training	3	1.8
Referral	1	.6
Observation	1	.6
Combination	84	51.5

Experience with Domestic Violence Cases

Nearly all of the magistrates (99.6 percent) reported interviewing women complaining of physical violence or threats from their husbands or boyfriends. Only one magistrate (0.4 percent) indicated that he or she had not encountered this type of complainant. These results confirm the widespread incidence of known cases of domestic violence in North Carolina.

The magistrates had no difficulty describing their worst domestic violence cases. Lengthy descriptions, as well as newspaper clippings, were returned with the questionnaires. The worst cases involved severe physical abuse resulting in broken bones, gunshot wounds, hospitalization and/or death *(See Table 3)*.

Table 3
Magistrates' Description of Worst Domestic Violence Case

Type of Violence	*Frequency Cited*	*Relative Percent*
Physical violence against female	153	40.6
Repeated physical violence	29	7.7
Other felony (e.g., kidnapping)	20	5.3
Murder of abused	15	4.0
Threatened or assaulted with gun	15	4.0
Children witness violence	14	3.7
Mental/Emotional abuse of female	14	3.7
Abuse of children	11	2.9
Dropped charges	11	2.9
Murder of abuser	9	2.4
Sexual abuse of female	8	2.1
Displaced women/children	6	1.6
Nothing serious	6	1.6
Pregnant woman assaulted	5	1.3
Physical violence against male	5	1.3
Injury or murder of new boyfriend	4	1.1
Legal intervention followed by physical violence against complainant	3	.8
Woman run over by car	2	.5
Murder of children	2	.5
Lack of money for legal action	1	.3
Spiteful warrants	1	.3
Women left for dead	1	.3
Plan to murder stopped by police	1	.3
Incest	1	.3
Wife kills abuser and goes to jail	1	.3
Legal intervention, but advised to stay in home until divorce	1	.3
Threat to kill children	1	.3
No cases	3	.8
No response	34	8.9

The worst cases of domestic violence were far more likely to be cases of physical/emotional violence against females. Physical violence against males was cited by only 5 of the magistrates. In addition, 15 magistrates indicated that abused persons were more likely to be killed than abusers. Nine magistrates indicated that they had handled cases in which abused women killed their abusers.

The magistrates seemed most disturbed when violent acts occurred in front of children. In the worst cases, the women were frequently forced to flee with their children with little or no money and little or no clothing in adverse weather conditions. Listed below, in the magistrates' own words, are descriptions of their worst domestic violence cases.

- "Husband assaults pregnant wife"
- "When a woman and boyfriend were fighting and a child with cancer was involved. Also another was where 5 children were involved."
- "Cases that involve couples living together that are not married. They don't have finances to seek legal advice from an attorney and come to us."
- "When husband and wife live together and fight all the time and we, as magistrates, cannot order that they stay apart to avoid violence."
- "The women never seem to know why the guy beats up on them. They always say, 'He's crazy' or 'I don't know.' It's hard to get the whole story out of them. Also, a lot of women use the criminal justice system as a revenge tactic to get back at their boyfriend. They know it's easy to get a warrant."
- "Victim was beat about the face and body, requiring hospitalization and thrown out of her home with 2 children."
- "Lady with her eyes beat closed, mouth busted and ribs broken."
- "I have cases in which mental abuse is worse than the physical abuse."
- "Defendant holding children as hostages to avoid confrontation with (police) officers."
- "The husband having repeatedly stabbed his wife and killed her after an argument."
- "I have had so many since 1970 that I cannot remember which was worse. The part that concerns me the most is that oftentimes children get physically hurt or are put in danger when the parents are engaged in fighting. I think that this needs to be considered when you are working on a program for battered women."

The magistrates provided multiple responses detailing what they perceived as the most difficult problems they confront when handling domestic violence cases. The most frequently cited problems included: determining the truth (13.7 percent); getting the victim to go to court (13.7 percent); repeat complainants (5.2 percent); frustration of not knowing what to do/how best to help (4.7 percent); false/vindictive charges by women (4.5 percent); concern for the childen (4.7 percent); issuing a warrant when feeling is that it will be dropped (4.0 percent); handling angry/highly emotional people (4.0 percent); determining what the victim wants (1.5 percent); persuading the victim that she has rights and should seek legal remedies (2.0 percent); concern for safety of victim when abuser is released on bond (2.0 percent); limited power of magistrates (2.0 percent); situations that involve drugs (2.0 percent); and getting the victim to leave the abusive situation (2.0 percent). (The values in the parentheses indicate the percentage of times a specific problem was cited by the magistrates.) Problems such as repeat offenders, balancing the rights of victims and defendants, handling the victim's fears of the abuser, lack of information regarding referrals/community resources, administrative problems, domestic hold law, getting the victims to take advice, getting victims to seek assistance, lack of time, getting the victims' personal belongings from the home, lack of services for battered women and lack of training were also cited.

Table 4 contains a complete list of the problems cited by the magistrates. In addition, the comments that follow reflect the sense of frustration that the magistrates communicated in their written comments.

- "It's the daily traffic of domestic type. Spite warrants that are a waste of my time and theirs that are aggravating."
- "Lack of involvement by law enforcement due to the nature of past domestic cases."
- "People that know how to beat the system."
- "I don't feel like I am helping."
- "It is trying to keep them apart until their case comes up in court."

A complete listing of the written comments of the magistrates is contained in Appendix C.

Table 4
Magistrates' Responses to Question Regarding Hardest Problems They Had To Handle When Dealing With Domestic Violence Cases

Problem	*Frequency*	*Percent*
Determining the truth	55	13.7
Getting the victim to go to court	55	13.7
Repeat complainants	21	5.2
Frustration of not knowing what to do/how best to help	19	4.7
False/vindictive charges by women	18	4.5
Concern for children	17	4.2
Handling angry/highly emotional people	16	4.0
Issuing warrant when feel it will be dropped	16	4.0
Explaining laws/legal procedures	11	2.7
Determining assault in absence of injuries	9	2.2
Concern for safety of victim when abuser released on bond	8	2.0
Persuading victim has rights/should seek legal remedies	8	2.0
Limited power of magistrate	8	2.0
Situations that involve drugs	8	2.0
Getting victim to leave the abusive situation	8	2.0
Deciding whether "cooling off" period is necessary	7	1.7
Knowing that victim will return to husband again and again	7	1.7
Finding temporary shelter for families	7	1.7
Determining what victim wants (temporary intervention or full prosecution)	6	1.5
Need for alternatives for the abuser	6	1.5
Determining whether assault provoked	5	1.2
Determining type/amount of bond	5	1.2

Continued on next page

Table 4
(Continued from Previous Page)

Problem	*Frequency*	*Percent*
Giving proper advice	5	1.2
Refusal of police to assist without a warrant	5	1.2
Not enough services	5	1.2
Lack of information re: referrals/community resources	4	1.0
Other formal administrative problem; county specific	4	1.0
Hours for available assistance	4	1.0
Not becoming emotionally involved	3	.8
Repeat offenders	2	.5
Balancing rights of victims and defendants	2	.5
Handling victim's fear of abuser	2	.5
Domestic hold law	2	.5
Getting victim to follow advice/suggestions	2	.5
Lack of money to hire an attorney to file papers (G.S. 50-B)	2	.5
Know about previous orders	2	.5
Getting couple to seek counseling	2	.5
Not being hard and cold with victim	2	.5
Handling involvement of other family members	1	.2
Getting victim to seek medical assistance	1	.2
Getting victim to seek assistance	1	.2
Emotional stress of both parties following court hearing	1	.2
Getting them to stop using drugs and alcohol	1	.2
Greater difficulty when wife has higher income than husband	1	.2
Victim is critical of system	1	.2
Lack of time	1	.2
Getting personal belongings	1	.2
Belief by some victims that "husband has the right to beat wife"	1	.2
Concern for safety of victim when/if warrant issued	0	.0
No cases	2	.5
No response	21	5.2

Handling of Domestic Violence Cases

In response to a question as to how battering crimes were handled, approximately 77 percent of the magistrates said they had made referrals to a local domestic violence program. Approximately 13 percent had not made referrals because there was not a domestic violence program in their area or because they did not know of a program in their area *(See Table 5)*.

After listening to the facts regarding a possible case of domestic violence, half of the magistrates (50.4 percent) indicated they had decided not to issue a domestic violence warrant on the grounds of insufficient evidence of injury. In addition, 38.7 percent of the magistrates decided not to issue a domestic violence warrant because "in the past, the woman had dropped a warrant" *(See Table 5)*.

When the facts of the case required criminal remedies, nearly all of the magistrates used domestic criminal trespass laws (92.3 percent) or laws regarding communication of threats (92.3 percent).

Under the domestic violence bail provision (G.S. 15A-534.1), a husband or boyfriend can be held for a reasonable period of time before bail is set. This provision was used by about two-thirds of the magistrates *(See Table 5)*. However, this provision is not used very often. Only 7 percent of the magistrates reported using the domestic violence bail provision more than three times.

Table 5
Frequency Distribution for Magistrates' Handling of Domestic Violence Cases

Question/Action	*Frequency*	*Percent*
Referred a Battered Woman to a Domestic Violence Program		
Yes	181	77.4
No	22	9.4
There is not one in the area	13	5.6
Don't know of program in this area	17	7.3
No response	1	.4
Insufficient Evidence of Injury to Issue a Warrant		
Yes	119	50.4
No	115	48.7
No Response	2	.8
Warrant Not Issued Because Woman Dropped Warrant in the Past		
Yes	91	38.7
No	140	59.6
No Response	4	1.7
Used Domestic Criminal Trespass Provision to Issue a Warrant		
Yes	216	92.3
No	14	6.0
No Response	4	1.7
Used Communicating Threats Provision to Issue a Warrant		
Yes	215	92.3
No	10	4.3
No Response	8	3..4
Used Domestic Violence Bail Provision (G.S. 15A-534.1)		
Yes	156	66.1
No	79	33.5
No Response	1	.4

Only 33 (14 percent) of the magistrates reported receiving instructions from their district attorneys regarding issuance of warrants in domestic violence cases. These instructions included:

- "To keep issuing warrants until courts take stand on repeated cases."
- "Explain judicial procedures to victim and call in personnel from social services and sheriff's office."
- "If the person is a continuous repeater, we usually hold them secured or use the statute to hold them for a certain amount of time until things calm down."
- "Consult his (District Attorney's) office prior to issuance of warrants of some nature."
- "Try to encourage the woman to seek other shelter and wait 24 hours before issuing the warrant upon the complainant's return."
- "In cases where they (complaints) are repeated after being dropped, have investigation first."
- "Have complainant sign a form stating they will not drop charges."
- "Allow a 24-hour 'cool-down' period with the exception of worst cases of abuse (beaten, bruises, etc.)."
- "I decide probable cause."
- "If probable cause is there, issue warrants."

The vast majority of the magistrates (82.6 percent) indicated that they had not received instructions from their district attorneys. Written comments suggested that many magistrates felt strongly that they work for the Administrative Office of the Courts and that instructions from district attorneys were inappropriate.

Responses Regarding Training

Only 40 percent of the magistrates indicated they had received training or attended a workshop or seminar on the topic of domestic violence. The providers of training programs included the Institute of Government, local domestic violence programs and the Justice Academy. A complete listing of agencies and organizations which have provided domestic violence training appear in Table 6.

Table 6
Organizations Which Have Provided Domestic Violence Training to Magistrates in North Carolina

Who Provided Training?	*Frequency*	*Percent*
Institute of Government	61	26.0
Burke County Law School	4	1.7
Local Shelter	5	2.1
Other	14	6.0
Received No Training	139	59.1
No Response	12	5.1
Total	**235**	**100.0**

Approximately 79 percent of the magistrates who responded to the survey expressed an interest in attending a training program. To the credit of magistrates, more than one-third indicated a willingness to participate in the development and planning of training programs.

The magistrates expressed an interest in a variety of training topics. Interest was indicated regarding training in appropriate ways to handle domestic violence situations (23 percent); a review of domestic violence legislation (20 percent); training in appropriate ways to handle domestic violence situations (23 percent); and a description of community resources available to victims of domestic violence (17 percent). *(See Table 7).*

Table 7
Magistrates' Interest in Training Regarding Domestic Violence

Interest	*Frequency*	*Percent*
Interested in Attending a Workshop		
Yes	187	79.6
No	48	20.4
Interest in Helping Develop a Workshop		
Yes	82	34.9
No	153	65.1
Interested in a Review of Domestic Violence Legislation		
Yes	47	20.0
No	188	80.0
Interested in Guidance in Handling Cases		
Yes	54	23.0
No	181	77.0
Interested in Description of Community Resources		
Yes	40	17.0
No	195	83.0

The magistrates were also asked about specific components to be included in training programs. In order of preference, the magistrates recommended the following components: 1) legal alternatives (76.2 percent); 2) how to handle spouse abuse cases (67.7 percent); 3) dynamics of family violence (60.9 percent); and 4) how to make effective referrals (57.9 percent).

Other comments and recommendations are included in Appendix D.

Significant Changes Since 1984

Since this is a replication of a study done in 1984, it is possible to make direct comparisons of the knowledge and actions of magistrates in North Carolina between 1984 and 1988. Comparisons will be made on an item-by-item basis.

The vast majority of counties are currently being served by either local domestic violence programs or through satellite programs. Magistrates' knowledge of these programs has increased significantly, from 45.2 percent in 1984 to 78.5 percent in 1988. Likewise, the number of magistrates indicating there were no programs in their areas or that they did not know of programs dropped from approximately 54 percent to 21 percent. Actual contact with these programs increased from 60.3 percent to 78.1 percent, while those indicating no contact dropped from 39.7 percent to approximately 21 percent.

Type of contact has not changed. The primary method of contact continues to be a combination of telephone calls, meetings, and training programs. The single most frequently used method of contact was telephoning (32.1 percent in 1984 vs. 33.7 percent in 1988). Similarly, there was no significant change in frequency of training (1.3 percent in 1984 vs. 1.8 percent in 1988). Frequency of contact via meetings has declined from 14.1 percent in 1985 to 11.7 percent in 1988.

Responses to the question "...Have you ever had a woman come to you complaining about physical violence or threats from her husband or boyfriend?" were almost identical for both studies. More than 99 percent of the magistrates in both studies had received such complaints. These results suggest the continued widespread incidence of reported cases of domestic violence in North Carolina.

The categories generated from the 1984 study were used in the current study to describe the worst domestic violence cases seen by magistrates. It was also necessary to create new categories because the magistrates' responses did not always fit into the original categories. In general, however, the responses were consistent for both studies. Physical violence against a female continued to be the most frequently cited category. Examples of new response categories included: assault with a gun, children witnessing violence, pregnant woman assaulted and murder of children.

It was again necessary to add new categories for the question concerning hardest problems to handle. Examples of new categories were: getting victims to stop using drugs and alcohol; knowing that victims will return to abusers again and again; not knowing about previous temporary restraining orders; need for alternatives for abusers; refusal of law enforcement officers to assist victims without a warrant; determining type and amount of bond; domestic hold law; giving proper advice; getting victims to follow advice and suggestions; and victims' lack of money to hire attorneys to file temporary restraining orders.

Based on the perceptions of the magistrates in the current study, in contrast with findings of the previous study, it was possible to identify problems which have diminished, problems which have stayed the same, and problems which seem to be emerging. Problems which seem to have declined included concern for safety of the victim when a warrant is issued, concern for safety of victim when alleged abuser is released, finding a shelter, determining what the victim wants, persuading victim that he/she has rights and should seek legal remedies, balancing the rights of victims and alleged abusers, and handling victims' fears of abusers.

Problem areas that have not declined and continue to need attention are: determining the truth, concern for children, issuing a warrant when it might be dropped, handling emotional people, receiving false and vindictive charges, deciding whether a cooling-off period should be used, determining assault in the absence of injuries, and determining whether an assault was provoked. Two emerging concerns seem to be getting victims to go to court and processing complaints repeatedly for the same victims.

Six questions requested information regarding the magistrates' handling of domestic violence cases. There was a significant increase in the number of magistrates making referrals to domestic violence programs (77.4 percent in 1988 vs. 37.4 percent in 1984). In addition, there was an increased willingness

on the part of the magistrates to use the domestic violence bail provision of the General Statutes. This suggests that magistrates are now more willing to refer victims and deny bail for alleged abusers than was the case in 1984.

The magistrates continue to use Domestic Criminal Trespass (92.3 percent in 1988 vs. 89.9 percent in 1984), and Communicating Threats (93.2 percent in 1988 vs. 92.9 percent in 1984) laws as a basis of issuing warrants. This suggests that magistrates are very familiar with these laws and are willing to use them as needed.

Overall, magistrates continue to be reluctant to issue warrants when there are no visible signs of injury. Approximately 52 percent of the magistrates in 1984 indicated they had not issued domestic violence warrants on the grounds of insufficient evidence of injury; in 1988, the percentage was 50.4 percent.

As previously indicated, many magistrates appeared to be frustrated by repeat complainants who later requested that charges be dropped. Approximately 39 percent of the magistrates in both studies indicated they had not issued a domestic violence warrant because the victim had dropped a warrant in the past.

In the current study, 40 percent of the magistrates indicated they had received training or attended a workshop or seminar on the topic of domestic violence. This is a significant increase since 1984, when only 23.6 percent had received training. Based on survey responses, providers of this training have shifted from domestic violence agencies and the Administrative Office of the Courts to the Institute of Government.

Approximately 80 percent of the magistrates in the current study reported an interest in attending domestic violence training programs. This is a significant increase over the 1984 study (56.1 percent). Surprisingly, 34.9 percent of the magistrates in the present study indicated an interest in helping to develop training programs, compared with 2.7 percent in 1984.

According to the results of the two studies, the following components seem to be necessary for a magistrates' training program: powers and limitations of the magistrate's office, dynamics of family violence, legal alternatives, how to make effective referrals, legal interpretations, roles of magistrates and district attorneys, and how to respond to repeat complainants.

Other elements of training should include: what to do when it is impossible to determine the truth, psychological profiles of abusers and victims, alcohol and its relation to domestic violence, how to improve relationships with community agencies, information about civil and criminal options, how to deal with angry/upset victims, how to protect children in domestic violence situations, and how to get victims to complete the legal process.

Conclusions and Recommendations

There have been some significant changes since 1984. Some of these changes suggest progress in the handling of domestic violence programs by magistrates in North Carolina. These changes may be due to the increased availability of resources, new understandings of legal remedies, and an increased level of training for magistrates.

The magistrates have demonstrated a concern about the problems of domestic violence. The authors were impressed with their knowledge of the problem, their wanting to do more about domestic violence, and their interest in increasing their knowledge and working with others in the community to solve the problem. Magistrates play a vital role in the reduction and prevention of domestic violence in our state, and their concerns should be addressed. Most of the concerns of the magistrates can be addressed by such efforts as: more contact with local domestic violence programs, public education, clarification of the roles of district attorneys and magistrates, and training that focuses on physical violence, without visible signs.

Recommendation 1

The majority of the magistrates have made referrals to local domestic violence programs. Magistrates should be encouraged to continue making referrals and should be provided feedback from receiving agencies.

Recommendation 2

Domestic violence continues to be a widespread problem in North Carolina; it is not unique to any one region. It is recommended that a statewide public education campaign be conducted to increase awareness of the problem and available solutions.

Recommendation 3

There seems to be an inconsistency in the enforcement of pertinent laws at the local level. There also seems to be inconsistent role relationships between district attorneys and magistrates. It may be possible to reduce these problems through a variety of joint training programs for magistrates, district attorneys, public defenders, and other court officials to address legal interpretation of the law and the dynamics of domestic violence, as well as appropriate roles and procedures to prevent and remedy problems. The possibility of community colleges providing this training should be explored.

Recommendation 4

Magistrates should be made aware of the potential danger that exists for the victim even when there are no visible signs of injury, and the effects of some physical injuries may take take several days to become visible.

Recommendation 5

Approximately 39 percent of the magistrates decided not to issue warrants because the victims had, in the past, requested that warrants be dropped. This practice overlooks the fact that domestic violence can escalate. Also, part of the pattern of some dependent victims is to drop charges and return home several times after incidents of violence, through fear, because the offender has threatened to harm her if she does not drop charges; for economic reasons; for the mistaken belief, based on the offender's promises, that he will not do it again; or simply through fear of the court system itself.

One proposed solution, used in several counties, has been to require the victim to sign an agreement not to drop charges under penalty of prosecution. This approach should be investigated thoroughly prior to implementation statewide. However, district attorneys should be encouraged to have "no drop" policies, as they do with other crimes. There is great frustration in seeing the same victims come in and out of the court system and knowing that the system cannot help if the victim wants to drop charges. Only the district attorney can drop charges, but most do so when a domestic violence victim requests it.

While magistrates should encourage complainants not to drop charges, shelter personnel should also reinforce this idea and should assist the victims throughout the legal proceedings.

Recommendation 6

Although more than 90 percent of the magistrates in both studies used Domestic Criminal Trespass and Communicating Threats provisions of the law, they cited a need for other unspecified legal and non-legal remedies. These remedies should be explored by the Governor's Task Force on Domestic Violence and state and local human resource agencies.

Recommendation 7

Representatives from domestic violence programs should contact each magistrate directly on a quarterly basis to discuss problems and how they can be handled. These contacts can be made in writing, by telephone or in person.

Recommendation 8

All options for help should be made known to complainants/victims.

Recommendation 9

Inform magistrates of the options available to them in attempting to protect children in domestic violence situations.

Recommendation 10

In order to get victims to complete the legal process, the legal and human service systems must support them throughout the process. A first step would be to conduct a study of the nature of support services victims of domestic violence are now receiving in order to determine what services are available and how to make sure the victims receive these services.

Recommendation 11

Study the feasibility of making it a crime to commit domestic violence in the presence of a child or children.

Recommendation 12

Study ways to protect children in domestic violence situations and make findings available to magistrates and others in human service agencies.

Appendix A

Questionnaire

Below is the text of the memo sent to N.C. magistrates followed by a copy of the questionnaire which was the basis of this report.

MEMORANDUM

TO: North Carolina Magistrates

FROM: Legislative Committee of the Governor's Task Force on Domestic Violence
Bruce Briggs, Chair

DATE: February 18, 1988

RE: Questionnaire on Battered Women

The Governor's Task Force on Domestic Violence has been looking at North Carolina's needs concerning the issues of domestic violence. We have been working closely with the North Carolina Justice Academy and the Institute of Government in providing support to many groups, including law enforcement and court officials, who deal with domestic violence victims.

Magistrates deal frequently with the issues of domestic violence, but this contact with magistrates is often the battered woman's first encounter with the court system. Therefore, the woman who comes to the magistrate may not be clear about what she wants to do and is frequently unaware of legal alternatives available to her. The magistrates often confront this situation without having previous training in the specifics of the law or in the best methods of handling emotionally distraught, angry or confused complainants.

As an officer of the court, we are seeking your comments about your experiences with domestic violence cases and your input as to the type of training magistrates need regarding this issue. Your prompt response to the enclosed questionnaire will help us to identify those magistrates interested in attending and/or assisting in the development of a training program in domestic violence laws and procedures.

This questionnaire is strictly confidential and will only be reviewed by our committee members. The compiling and comparing of responses from the 1983 study and this year's study will be handled by the Office of Prevention within the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse Services.

Please use the enclosed pre-addressed envelope to return your completed questionnaire by *March 31, 1988*. We ask that you help us with the cost of mailing by putting a twenty-two cent stamp on the envelope.

If you have questions regarding this questionnaire or the work of the task force, please contact Julia Reeves, Domestic Violence Project Director, at (919) 733-2455.

Your cooperation is appreciated. Together, we can work toward a better understanding of this complex issue of domestic violence.

MG
Enc.

Questionnaire

Questionnaire for Magistrates

Please take a few minutes to complete this questionnaire. If you have comments, list them at the end of the survey.

1. Is there a program for battered women in your area?
   - ☐ Yes
   - ☐ No - If No, Go to question 4.
   - ☐ Don't know
2. Have you ever had contact with the local battered women's program?
   - ☐ Yes
   - ☐ No
3. If Yes to question No. 2, what kind of contact have you had with the local battered women's program?
   - ☐ Telephone
   - ☐ Meeting
   - ☐ Training
   - ☐ Other (Please describe)
4. As a magistrate, have you ever had a woman come to you complaining about physical violence or threats from her husband or boyfriend?
   - ☐ Yes
   - ☐ No - If No, please go to question No. 8.
5. In your contact with battered women, have you ever done any of the following:

   A. Referred a battered woman to a local domestic violence program?
   - ☐ Yes
   - ☐ No
   - ☐ There isn't one in this area
   - ☐ I don't know of any programs in this area

   B. Decided not to issue a domestic violence warrant on the grounds that there was insufficient evidence of injury?
   - ☐ Yes
   - ☐ No

   C. Decided not to issue a domestic violence warrant because the woman had dropped a warrant in the past.
   - ☐ Yes
   - ☐ No

   D. Used the following criminal remedies?

   1) Domestic Criminal Trespass
   - ☐ Yes
   - ☐ No

   2) Communicating Threats
   - ☐ Yes
   - ☐ No

6. Briefly describe the worst domestic violence case in which you have been involved. _____

_____

7. What do you think are the hardest problems for you, as a magistrate, when handling domestic violence cases?

_____

8. Has your District Attorney given you instructions regarding issuing warrants in domestic violence cases, such as what to do about repeat complainants, etc.?

☐ Yes - If Yes, what are your instructions?
☐ No

9. Have you ever used the domestic violence bail provision and held a husband or boyfriend for a reasonable period of time before setting bail (G.S. 15A-534.1)?

☐ Yes - If Yes, how many times?
☐ No

10. Have you ever received training or attended a workshop or seminar on the topic of domestic violence?

☐ Yes - If Yes, who provided training?
☐ No

11. Would you be interested in participating in a training program which would:

a. review domestic violence legislation?

b. offer guidance in handling domestic violence situations?

c. describe community resources available to victims of domestic violence?

☐ Yes. I would interested in attending.
☐ Yes. I would be interested in helping to develop and plan a workshop.
☐ No. I would not be interested.

12. What would you like to see included in a training program on domestic violence? (Check as many as you like.)

☐ Dynamics of Family Violence
☐ Legal Alternatives
☐ How to Make Effective Referrals
☐ How to Handle Spouse Abuse Cases
☐ Other (Please specify) _____

Your Name
(Please Print)_____

Address _____

_____

Telephone No. _____

(Please return the questionnaire in the pre-addressed envelope provided.)

THANK YOU FOR YOUR TIME
GOVERNOR'S TASK FORCE ON DOMESTIC VIOLENCE

Appendix B

Responding Counties

Table 8
Responding Counties

County	*Frequency*	*Percent*	*County*	*Frequency*	*Percent*	*County*	*Frequency*	*Percent*
Alamance	6	2.6	Gaston	4	.7	Pender	3	1.3
Alexander	2	.9	Gates	2	.9	Perquimans	0	.0
Alleghany	1	.4	Graham	1	.4	Person	1	.4
Anson	1	.4	Granville	3	1.3	Pitt	5	2.2
Ashe	3	1.3	Greene	2	.9	Polk	1	.4
Avery	1	.4	Guilford	10	4.4	Randolph	4	1.7
Beaufort	0	.0	Halifax	4	1.7	Richmond	3	1.3
Bertie	2	.9	Harnett	4	1.7	Robeson	4	1.7
Bladen	2	.9	Haywood	3	1.3	Rockingham	2	.9
Brunswick	5	2.2	Henderson	3	1.3	Rowan	3	1.3
Buncombe	7	3.1	Hertford	0	.0	Rutherford	4	1.7
Burke	4	1.7	Hoke	2	.9	Sampson	0	.0
Cabarrus	3	1.3	Hyde	1	.4	Scotland	1	.4
Caldwell	3	1.3	Iredell	5	2.2	Stanly	1	.4
Camden	2	.9	Jackson	1	.4	Stokes	1	.4
Carteret	3	1.3	Johnston	4	1.7	Surry	3	1.3
Caswell	0	.0	Jones	0	.0	Swain	3	1.3
Catawba	2	.9	Lee	0	.0	Transylvania	2	.9
Chatham	3	1.3	Lenoir	2	.9	Tyrrell	1	.4
Cherokee	3	1.3	Lincoln	1	.4	Union	3	1.3
Chowan	2	.9	Macon	4	1.7	Vance	1	.4
Clay	2	.9	Madison	0	.0	Wake	5	2.2
Cleveland	4	1.7	Martin	3	1.3	Warren	1	.4
Columbus	2	.9	McDowell	1	.4	Washington	1	.4
Craven	5	2.2	Mecklenburg	6	2.6	Watauga	0	.0
Cumberland	8	3.5	Mitchell	2	.9	Wayne	2	.9
Currituck	0	.0	Montgomery	0	.0	Wilkes	1	.4
Dare	2	.9	Moore	3	1.3	Wilson	1	.4
Davidson	2	.9	Nash	0	.0	Yadkin	1	.4
Davie	2	.9	New Hanover	2	.9	Yancey	1	.4
Duplin	2	.9	Northhampton	0	.0	Total	229	100.0
Durham	2	.9	Onslow	2	.9			
Edgecombe	1	.4	Orange	1	.4	* *8 Respondents did not indicate county residence*		
Forsyth	2	.9	Pamlico	2	.9			
Franklin	0	0	Pasquotank	3	1.3			

Appendix C

Magistrates' Perceptions of Hardest Problems Encountered When Handling Domestic Violence Cases

- "deciding whether or not the victims will feel the same in 24-48 hours"
- "what to do with the children, where to get help (right then), how bad the other party is beaten or abused"
- "having a place for the complainants to go after the warrant is served"
- "Occasionally a spouse tries to 'use' a magistrate to dominate the other spouse by threat of incarceration, etc."
- "too many times...used to further case in divorce"
- "whether or not to deny bond"
- "What caused it? Why it happened?"
- "Getting the complainant to understand that once a warrant is issued, when there is probable cause, it cannot be withdrawn that the complainant can be held for a frivolous action and if the defendant is arrested, he or she could be released on an unsecured bond or if defendant gets a bond. That the pretrial is not to be used as a punishment and the court is not either"
- "Refusal of law enforcement officers to become involved or offer any assistance whatsoever unless warrants are issued"
- "It is sometimes difficult to get the victim to openly discuss what actually occurred."
- "Getting the woman to do anything because she has no, or cannot see any, remedy. No place to go. No support."
- "Not becoming involved emotionally"
- "Living together and man or woman refuse to leave"
- "Determining whether the person has a serious and immediate problem"
- "Not having the benefit of an arbitration-type center to refer clients when cases are too weak for court, but in need of some attention"
- "First appearance - How long to hold in detention or what kind of release"
- "When there are children involved - Also when the spouse won't let them retrieve personal belongings from the home"
- "Getting help between the hours of 9:00 p.m. and 5:00 a.m., when 96 percent of domestic violence occurs"
- "Explaining to complainant that they need to wait until they speak with someone from the shelter home"
- "Attempting to be impartial and removed from my personal feelings toward the defendant, particularly if there is extremely visible signs of physical violence toward the wife."
- "Determining probable cause"
- "Explaining that magistrates don't issue 50-B Protective Order - frequently referred to as a "Peace Warrant" or "No Trespass Warrant"

- "I don't feel like I'm helping."
- "Treating victims with compassion and care"
- "Not becoming 'hard' and 'cold' - burnt-out on domestic violence"
- "Pregnant woman assaulted"
- "Determining type of bond"
- "How long to hold alleged batterer"
- "Deciding when sufficient risk exists to issue warrants to women who are obviously under the influence of drugs"
- "Explaining to victims that while courts and police will try to protect them, there are no absolute guarantees"
- "Learning if victims contributed to violent behavior"
- "Getting information from complainant"
- "Women wait for days to take out a warrant"
- "They need to help themselves, avoid violence-divorce, separation, etc."
- "Available Resources, not just information"
- "Victims are critical of the system, and, in a lot of cases, are not willing to take advice or suggestions."
- "None for the magistrate, these are problems for the district court."
- "Convincing people who are involved in domestic violence cases that their problems can better be solved by them, rather than by the courts"
- "Deciding if there is enough abuse to justify a warrant"
- "To seek social services in child placement due to jailing one spouse and the other being hospitalized"
- "Very few choices - Need other solution than to send someone to jail"
- "It is trying to keep them apart until their case comes up in court."
- "One of the main problems to me is being able to counsel with and advise them. I am a male magistrate and most victims are females. I often refer them to organizations for counseling."
- "The lack of necessary time to give to the victim when the magistrate's office is extremely busy. Also, it is frustrating trying to tell the victim of other programs to also use when all the victim wants to hear is, 'Yes, we'll put him under the jail'."
- "Trying to look at or think about both sides and other things that would have to be involved that the complainant has not told me"
- "Determining probable cause"
- "I always tell them about the battered woman's shelter and ask them if they would like to talk to someone before taking the warrant out and in most cases they get mad because they only want to hear from you only what they want to hear."
- "It's the daily traffic of domestic type. Spite warrants that are a waste of my time and theirs that are aggravating."
- "Lack of involvement by law enforcement due to the nature of past domestic cases"
- "People that know how to beat the system."
- "It is trying to keep them apart until their case comes up in court."

Appendix D

Recommended Components of a Domestic Violence Training Program for Magistrates

- Powers and limitations of the magistrate's office
- Dynamics of family violence
- Psychological profiles of abusers and victims
- Alcohol and its relation to domestic violence
- How to improve relationships with community agencies serving victims of domestic violence
- Necessity of making referrals to meet victims' needs
- Information which will enable magistrates to advise victims on how to obtain a 50-B Protective Order through the civil courts
- How to deal with angry/upset victims
- Information about counseling options
- What to do when it is impossible to determine the truth
- How to protect children in domestic violence disputes
- Information on criminal laws, including felonious assault
- Marital rape legislation